

Entered - 02/17/04- sb  
CL - 04L0105 LISA CARTER

CLAIM OF: EDDIE M. GRAY

4371 Winters Chapel Road #1812  
Atlanta, Georgia 30360

04-R-0689

For damages alleged to have been sustained as a result of  
striking a sewer manhole on January 19, 2004 at Donald Lee  
Hollowell Parkway, NW and Maynard Road, NW.

THIS ADVERSED REPORT IS  
APPROVED

BY:

JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE

4/27/04

ACC

CHAR C. FINE

1st Smt

Maynard Road

Donald Lee

Atlanta, Georgia

ADVERSED

MAY 03 2004



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30303  
(404) 330-6033  
FAX (404) 658-6273

May 10, 2004

Eddie M. Gray  
4371 Winters Chapel Road  
Apartment 1812  
Atlanta, Georgia 30360

**04-R-0689**

Dear Mr. Gray:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on December 01, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at **(404) 330-6400**.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0105

Date: April 13, 2004

Claimant /Victim EDDIE M. GRAY

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 4371 Winters Chapel Road #1812 Atlanta, Georgia 30360

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 214.20 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 02/03/04 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) \_\_\_\_\_

Date of Occurrence 01/19/04 Place: Donald Lee Hollowell Parkway, NW and Maynard Road

Department \_\_\_\_\_ Bureau: \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking a recessed manhole at Donald Lee Hollowell, NW and Maynard Road. However, an investigation determined that Roland Pugh Contractors was working at this location and is responsible for the claimant's damages. The claimant has been advised to pursue his claim with Roland Pugh Contractors.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

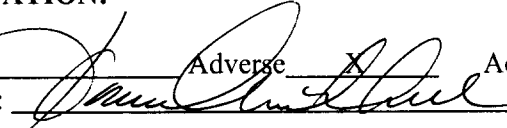
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 04/15/04

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK

City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RECEIVED

FEB 03 2004

RE: CLAIM FOR DAMAGES

Today's Date: 1-26-04

ENTERED - 2-17-04 - SB  
04L0105 - LISA CARTER

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 214.20 property and/or \$ NA bodily injury for which I contend the City is liable.

1. Date of incident: 1-19-04 2. Time of Incident: 2:55 P.M. 3. Police called: Yes ☒ No ☐

4. Location of incident (including street address): MAYNARD + VETERANS MEMORIAL HIGHWAY

5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_

6. State what and how incident occurred: ON MY WAY TO CHURCH. HIT BIG POT-HOLE LEFT FRONT TIRE

WHEEL - BENT INSIDE + OUT + CRACKED WITH SPLITTING

SENDING PICTURES AS EVIDENCE OF LOCATION +

DAMAGES. CAR REPAIRED BECAUSE OF DANGER TO DRIVE + CAUSE

MORE DAMAGES (EX) TO TIRE.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL

RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and

proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: PONT GRAND PRIX GT 1999 552NJE MS. EDDIE M. GRAY

(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_

(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_

(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Eddie M. Gray  
Signature of Claimant

EDDIE M. GRAY  
(Print Claimant's Name)

4371-WINTERS CHAPEL RD #1812  
(Address)

ATLANTA GA 30360  
(City, State and Zip Code)

770-317-8822 770-441-0356  
(Work Number) (Home Number)

ATTN: DURING THIS TIME  
I'M UNEMPLOYED AND WOULD  
APPRECIATE YOUR EARLIEST  
OF CONSIDERATION TO MY CLAIM  
THANK YOU, Eddie Gray

04-R-0689